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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 DENNIS FLORER,

12 Plaintiff,

13 v.

14 CHERYL JOHNSON, *et al.*,

15 Defendants.

Case No. C06-5561 RJB/KLS

ORDER DENYING MOTION
FOR RULING ON DKT. # 161
BE HELD IN ABEYANCE

16 Before the Court is Plaintiff Dennis Florer's motion that the Court hold its ruling on his motion to
17 amend (Dkt. # 161) in abeyance while Mr. Florer corrects his proposed amended pleading. Dkt. # 175.
18 Mr. Florer states that there are several flaws in his pleading that must be corrected to avoid an adverse
19 judgment against him. *Id.*, p. 1. Defendants oppose the motion. Dkt. # 178. Having carefully reviewed
20 Mr. Florer's motion, Defendants' opposition and the balance of the record, the Court finds that the motion
21 should be denied.

22 **DISCUSSION**

23 Mr. Florer filed his original complaint on October 26, 2006. Dkt. # 5. He filed his first amended
24 complaint on April 18, 2007. Dkt. # 62. This case was stayed on March 27, 2008, pending resolution of
25 Mr. Florer's case in the United States District Court for the Eastern District of Washington. Dkt. # 156.
26 Mr. Florer filed a second motion to amend, along with his proposed second amended complaint on
27 September 26, 2008. Dkt. # 161. The Court requested supplemental briefing from the parties regarding
28 the impact of the judgment in the Eastern District case on the pending motions in this case (*i.e.*, Mr.

1 Florer's motion to amend (Dkt. # 161) and Defendants' motion for summary judgment (# 141)). Dkt. #
2 164. Defendants submitted their supplemental briefing on December 12, 2008 (Dkt. # 165), and Mr.
3 Florer submitted his briefing on January 20, 2009. (Dkts. # 172 and 173). On March 10, 2009, Mr.
4 Florer asked for an additional thirty days to file a replacement proposed second amended complaint. Dkt.
5 # 175.

6 Mr. Florer states only that there are "flaws" in his proposed second amended complaint.
7 However, he does not identify the flaws or explained to the Court why further amendment is required.
8 The parties have been provided adequate time to brief the Court and the Court has considered at length
9 the parties' submissions, Mr. Florer's proposed second amended complaint, and the decisions rendered by
10 Judge Shea in the Eastern District case.

11 Accordingly, it is **ORDERED** that Mr. Florer's motion to hold the Court's ruling on Dkt. # 161 in
12 abatement is **DENIED**. The Clerk shall send copies of this Oder to Plaintiff and counsel for Defendants.

13 DATED this 20th day of April, 2009.
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17 Karen L. Strombom
18 United States Magistrate Judge
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